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Attorneys for the Genelabs Defendants  
FREDERICK DRISCOLL, IRENE CHOW, H.H. HAIGHT,  
ALAN KWAN, LESLIE BROWNE, MATTHEW PFEFFER,  
and GENELABS TECHNOLOGIES, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

LANRE ROTIMI ROLLOVER IRA,  
individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

FREDERICK DRISCOLL, IRENE CHOW,  
H.H. HAIGHT, ALAN KWAN, LESLIE  
BROWNE, MATTHEW PFEFFER, and  
GENELABS TECHNOLOGIES, INC.

Defendants.

Case No. C-08-5142 WHA

**STIPULATION AND ~~PROPOSED~~  
ORDER OF DISMISSAL**

Hon. William Alsup

**STIPULATION**

WHEREAS, the parties listed below enter into this Stipulation of Dismissal pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure;

WHEREAS, Plaintiff Lanre Rotimi Rollover IRA (the “Named Plaintiff”) filed this action on November 4, 2008;

WHEREAS, no class has been certified;

WHEREAS, between November 19 and 21, 2008, defendants Alan Kwan, Frederick Driscoll, Irene Chow, H.H. Haight, Leslie Browne, Matthew Pfeffer, and Genelabs Technologies, Inc. (collectively, the “Genelabs Defendants”) answered the Complaint;

WHEREAS, the remaining Defendant, GlaxoSmithKline plc, has not been served with the Complaint;

WHEREAS, on January 15, 2009, the Genelabs Defendants moved for judgment on the pleadings as to all claims asserted in the Complaint;

WHEREAS, since this action was filed, Plaintiff’s counsel has continued to investigate the factual basis of the claims asserted in the Complaint, as well as the merits of the arguments made in the Genelabs Defendants’ motion for judgment on the pleadings;

WHEREAS, based on that investigation, Plaintiff has determined not to pursue any claims against Defendants;

WHEREAS, the Named Plaintiff desires to dismiss all claims alleged in this action with prejudice as to itself and without prejudice as to the putative class;

WHEREAS, Defendants have not made or promised any payment, direct or indirect, to the Named Plaintiff or its counsel in exchange for dismissal of the Complaint;

WHEREAS, notice is not required under Rule 23(e), which requires notice only to “class members who would be bound by the proposal.” Fed. R. Civ. P. 23(e)(1); *see also* Advisory Committee Note to Fed. R. Civ. P. 23 (confirming that “notice is not required when the settlement binds only the individual class representatives”). The proposed dismissal binds only the Named Plaintiff in this action. As to all other putative class members, the proposed dismissal is without prejudice and therefore has no binding effect on them; and

1 WHEREAS, good cause for dismissal exists for the reasons set forth above;

2 IT IS HEREBY STIPULATED and agreed by and among the parties listed below, through  
3 their respective counsel of record, as follows:

4 1. All claims alleged in this action shall be dismissed with prejudice as to the Named  
5 Plaintiff and without prejudice as to members of the putative class

6 2. Each side shall bear its own costs and attorneys' fees.

7 3. For the foregoing reasons, the parties listed below respectfully request that the  
8 Court enter the attached Order of Dismissal.

9 IT IS SO STIPULATED.

10 Dated: February 11, 2009

JORDAN ETH  
TERRI GARLAND  
RACHAEL CLARKE  
MORRISON & FOERSTER LLP

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13 By: /s/ Terri Garland

14 TERRI GARLAND

15 Attorneys for the Genelabs Defendants

16 Dated: February 11, 2009

ANN GHAZARIANS FLORY  
JAMES KUANG LO  
HARRINGTON FOXX DUBROW CANTER

17  
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19 By: /s/ Ann Ghazarians Flory

20 ANN GHAZARIANS FLORY

21 Attorneys for Plaintiff Lanri Rotimi  
22 Rollover IRA  
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**[PROPOSED] ORDER OF DISMISSAL**

Pursuant to Rules 23(e) and 41(a)(2) of the Federal Rules of Civil Procedure, I have reviewed the attached stipulation and hereby approve the dismissal of this action with prejudice as to the Named Plaintiff and without prejudice as to the putative members of the class. Under Rule 23(e), notice to the class is not required given that the rights of absent class members are not affected.

Dated: February 12, 2009



The Honorable William Alsup  
United States District Judge

GENERAL ORDER 45 ATTESTATION

I, Rachael Clarke, am the ECF user whose ID and password are being used to file this Stipulation and [Proposed] Order of Dismissal. In compliance with General Order 45, I hereby attest that Ann Ghazarians Flory of Harrington Foxx Dubrow Canter has concurred in this filing.

Dated: February 11, 2009

MORRISON & FOERSTER LLP

By: /s/ Rachael Clarke  
RACHAEL CLARKE

Attorneys for the Genelabs Defendants